#### Nos. 22-16810, 22-16812

# United States Court of Appeals for the Ninth Circuit

CITY OF OAKLAND, a Municipal Corporation; PEOPLE OF THE STATE OF CALIFORNIA, by and through the City Attorney for the City of Oakland; CITY AND COUNTY OF SAN FRANCISCO, a Municipal Corporation; PEOPLE OF THE STATE OF CALIFORNIA, acting by and through the San Francisco City Attorney,

Plaintiffs-Appellees,

v.

BP PLC, a public limited company of England and Wales; CHEVRON CORPORATION, a Delaware corporation; CONOCOPHILLIPS COMPANY, a Delaware corporation; CONOCOPHILLIPS; EXXON MOBIL CORPORATION, a New Jersey corporation; SHELL, PLC, a public limited company of England and Wales, f/k/a Royal Dutch Shell PLC,

Defendants-Appellants.

Appeals from the United States District Court,
Northern District of California,
Nos. 3:17-cv-6011, 3:17-cv-6012 (Hon. William H. Alsup)

# **EXCERPTS OF RECORD Index Volume**

JOSHUA D. DICK GIBSON, DUNN & CRUTCHER LLP 555 Mission Street, Suite 3000 San Francisco, CA 94105 (415) 393-8331

THOMAS G. HUNGAR GIBSON, DUNN & CRUTCHER LLP 1050 Connecticut Avenue, N.W. Washington, DC 20036 (202) 887-3784 THEODORE J. BOUTROUS, JR.
ANDREA E. NEUMAN
WILLIAM E. THOMSON
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, CA 90071
(213) 229-7000
tboutrous@gibsondunn.com

Counsel for Defendant-Appellant Chevron Corporation (Additional Counsel Listed on Signature Page of Brief)

#### INDEX OF EXCERPTS OF RECORD

#### Volume 1

Description	17-cv- 6011 Dkt.	17-cv- 6012 Dkt.	Page
Order Granting Renewed Motion to Remand (Oct. 24, 2022)	434	357	ER-2

Description	17-cv- 6011 Dkt.	17-cv- 6012 Dkt.	Page
Declaration of Joshua D. Dick in Support of Defendants' Opposition to Plaintiffs' Renewed Motion to Re- mand (Feb. 25, 2021)	349-1	293-1	ER-18
Ex. 5: Statement of Senator Joseph C. O'Mahoney	349-6	293-6	ER-28
Ex. 6: Navy Supply Corps Newsletter, NAVSUP Fuels: What the Fleet Runs On	349-7	293-7	ER-40
Ex. 14: Amici Curiae Brief of General (Retired) Richard B. Myers and Admiral (Retired) Michael G. Mullen in Support of Petitioners in BP P.L.C. v. Mayor & City Council of Baltimore, No. 19-1189 (U.S. Feb. 25, 2021)	349-15	293-15	ER-105
Ex. 15: Certificate of Dissolution of War Emergency Pipelines, Inc.	349-16	293-16	ER-139

Ex. 16: John W. Frey and H. Chandler Ide, A History of the Petroleum Administration for War, 1941–1945	349-17	293-17	ER-144
Ex. 17: 1968 Historic American Engineering Record No. TX-76, War Emergency Pipeline Inch Lines Historic District	349-18	293-18	ER-157
Ex. 18: Remarks of Secretary Harold Ickes to the Conference of Petroleum Industry Chairmen	349-19	293-19	ER-163
Ex. 19: Telegram from P.M. Robinson, PAW Assistant Director of Refining, to Ralph K. Davies, PAW Deputy Administrator	349-20	293-20	ER-175
Ex. 22: Gregory Pedlow and Donald Welzenbach, <i>The Central</i> <i>Intelligence Agency and Overhead</i> <i>Reconnaissance: The U-2 and</i> <i>OXCART Programs, 1954-1974</i>	349-23	293-23	ER-179
Ex. 23: Ben R. Rich and Leo Janos, Skunk Works: A Personal Memoir of My Years at Lockheed	349-24	293-24	ER-185
Ex. 24: CIA Doc. No. CIA RDP90B00170R000100080001-5, Clarence L. Johnson, Development of the Lockheed SR-71 Blackbird	349-25	293-25	ER-191
Ex. 25: CIA Doc No. CIA-RDP67B00074R000500400016-2, Contract No. AF33(657)-8577 (SH-511)	349-26	293-26	ER-219

Ex. 26: CIA Doc. No. CIA-RDP67B00074R000500400012-6, Amendment No. 2 to Contract No. AF33(657)-8577 (SH-511)	349-27	293-27	ER-229
Ex. 27: CIA Doc. No. CIA-RDP67B00074R000500440005-0, Concurrence in Contract No. SH-515 with Shell Oil Company, Project OXCART	349-28	293-28	ER-232
Ex. 28: CIA Doc. No. CIA- RDP67B00074R000500450004-0, Contract No. AF33(657)-13272 (SH-516)	349-29	293-29	ER-235
Ex. 29: CIA Doc. No. CIA- RDP67B00074R000500440006-9, Contract No. AF33(657)-12525 (SH-515)	349-30	293-30	ER-271

Description	17-cv- 6011 Dkt.	17-ev- 6012 Dkt.	Page
Ex. 30: CIA Doc. No. CIA-RDP67B00074R000500430003-3, Concurrence in Contract No. SH-514 with Shell Oil Company	349-31	293-31	ER-308
Ex. 31: CIA Doc. No. CIA-RDP67B00074R000500420006-1, Contract No. AF33(657)10449 (SH-513)	349-32	293-32	ER-345
Ex. 32: CIA Doc. No. CIA-RDP67B00074R000500410006-2, Contract No. AF33(657)-8582 (SH-512)	349-33	293-33	ER-393

Ex. 33: CIA Doc. No. CIA-RDP63-00313A000500130031-9, Summary of OSA Activities for Week Ending 21 August 1963	349-34	293-34	ER-441
Ex. 34: Tables Summarizing Contracts Between BP Entities and Defense Logistics Agency	349-35	293-35	ER-448
Ex. 35: DLA Detail Specifications for Turbine Fuels, Aviation, Kerosene Types, NATO F-34 (JP-8), NATO F-35, and JP-8+100, MIL-DTL-83133E	349-36	293-36	ER-455
Ex. 36: Department of Defense Handbook on Aerospace Fuels Certification, MIL-HDBK-510A	349-37	293-37	ER-471
Ex. 37: Air Force Wright Aeronautical Laboratories, Military Jet Fuels, 1944-1987, AFWAL-TR-87-2062	349-38	293-38	ER-494
Ex. 38: U.S. Department of Defense's Detail Specifications for Turbine Fuel, Aviation, Grades JP-4 and JP-5, MIL-DTL-5624W	349-39	293-39	ER-562
Ex. 42: Standard Specification for Aviation Turbine Fuels, ASTM D1655–20	349-43	293-43	ER-585

Description	17-cv- 6011 Dkt.	17-cv- 6012 Dkt.	Page
Ex. 43: Defence Standard 91-091, Turbine Fuel, Aviation Kerosene Type, Jet A-1, NATO Code: F-35; Joint Service Desig- nation: AVTUR, Issue 09	349-44	293-44	ER-606
Ex. 47: Report Reflecting Procurement Contract SP060012D0510	349-48	293-48	ER-650
Ex. 48: Report Reflecting Procurement Contract SP060012D0498	349-49	293-49	ER-653
Ex. 49: Report Reflecting Procurement Contract SP060010D0470	349-50	293-50	ER-656
Ex. 50: Report Reflecting Procurement Contract SP060011D0482	349-51	293-51	ER-659
Ex. 51: Solicitation SP0600-10-R-0061 and Addendum	349-52	293-52	ER-662
Ex. 52: Solicitation SP0600-12-R-0061 and Addendum	349-53	293-53	ER-676
Ex. 53: Report Reflecting the Bid Summary of Award Information for Products F76, JAA, JP5, and JP8	349-54	293-54	ER-693

Ex. 54: Minimum Cost Solution Bid Award Sheet detailing the shipping terminals to receive products F76, JAA, JP5, and JP8	349-55	293-55	ER-701
Ex. 55: Solicitation SP0600-10-R-0061 Award Report	349-56	293-56	ER-759
Ex. 56: DLA Detail Specification for Turbine Fuel, Aviation, Grades JP-4 and JP-5, MIL-DTL-5624U	349-57	293-57	ER-763
Declaration of Dr. Mark R. Wilson (Feb. 25, 2021)	349-66	293-66	ER-781
Order and Amended Opinion of the Ninth Circuit (Aug. 12, 2020)	304	254	ER-825
Order Granting Motion to Dismiss Amended Complaints (June 25, 2018)	283	236	ER-858
Transcript of May 30, 2018 District Court Proceedings	265	221	ER-874

Description	17-ev- 6011 Dkt.	17-cv- 6012 Dkt.	Page
Plaintiffs' Response in Opposition to Defendants' Motion to Dismiss (May 3, 2018)	235		ER-882
First Amended Complaint for Public Nuisance (Apr. 3, 2018)	199		ER-887
First Amended Complaint for Public Nuisance (Apr. 3, 2018)	_	168	ER-952

Order Denying Motions to Remand (Feb. 27, 2018)	134	116	ER-1024
Oakland Notice of Removal (Oct. 20, 2017)	1		ER-1033
Ex. A: All Process, Pleadings, and Orders from State-Court Action	1-2		ER-1069
San Francisco Notice of Removal (Oct. 20, 2017)		1	ER-1131

Description	17-cv- 6011 Dkt.	17-cv- 6012 Dkt.	Page
Ex. A: All Process, Pleadings, and Orders from State-Court Action	_	1-2	ER-1168
Notice of Appeal (Nov. 21, 2022)	435		ER-1307
Notice of Appeal (Nov. 21, 2022)		358	ER-1316
Docket Sheet for <i>Oakland</i> , No. 17-cv-6011-WHA (N.D. Cal.)			ER-1325
Docket Sheet for San Francisco, No. 17-cv-6012-WHA (N.D. Cal.)			ER-1382